

FILED IN OPEN COURT  
ON 6/14/13 SLT  
Julie A. Richards, Clerk  
US District Court  
Eastern District of NC

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO: 5:12-CR-265-FL-1

UNITED STATES OF AMERICA	)	
	)	
Plaintiff	)	
	)	
v.	)	PROTECTIVE ORDER
	)	
TIMOTHY NELSON TERRY,	)	
	)	
Defendant	)	
_____	)	

This matter is before the Court on the parties' June 1, 2013, stipulation for a protective order to limit the disclosure of certain photographs of the Federal Medical Center in Butner, North Carolina, based on the fact that unlimited disclosure would pose a serious security concern for the Federal Bureau of Prisons, and may pose a danger to others.

For the reasons stated in the parties' motion, it is ALLOWED, and the Court hereby ORDERS the Government to provide the identified photographs to Defendant's counsel for use in preparation for the trial in this case, under the circumstances set forth below.

The Court further ORDERS that any person subject to this Order, including without limitation the parties to this action, their representatives, agents, experts and consultants, ~~jurors, court~~

~~personnel~~, third parties providing discovery in this action, and all other interested persons with actual or constructive notice of this Order, shall adhere to the following terms, upon pain of contempt:

1. Any and all photographs that are provided to Defendant's counsel in this action and identified as Sensitive by the government, via cover letter attached thereto, shall not be disclosed, except to the extent provided in this Order.

2. Any person subject to this Order who receives from any other person any photographs that are designated by the government as Sensitive, via cover letter attached thereto, pursuant to the terms of this Order shall not disclose such photographs to anyone else except as expressly permitted hereunder.

3. Any use of any photographs by Defendant and his counsel are to be limited solely to the defense in this case, whereby any copies of such photographs are strictly limited to exhibit preparation. At all times, counsel for Defendant shall retain all originals and copies of the photographs, and the photographs shall at no point be in the exclusive custody or disseminated to any other individual or party without express court approval.

4. No person subject to this Order shall disclose any of the records designated by the producing person as Sensitive to any other person whomsoever except:

(a) Counsel retained specifically for this action, including

any paralegal, clerical and other assistant employed by such counsel and assigned to this matter;

(b) as to any document, its author, its addressee, and any other person indicated on the face of the document as having received a copy;

(c) any witness who counsel for a party in good faith believes may be called to testify at trial or deposition in this action;

(d) any person retained by a party to serve as an expert witness or otherwise provide specialized advice to counsel in connection with this action;

(e) ~~the Court and its support personnel.~~

5. Prior to any disclosure of any photographs to any person referred to in subparagraphs 5(c) or 5(d) above, such person shall be provided by counsel with a copy of this Protective Order.

6. Each person who has access to records that have been designated as Sensitive, via cover letter attached thereto, shall take all due precautions to prevent the unauthorized or inadvertent disclosure of such material.

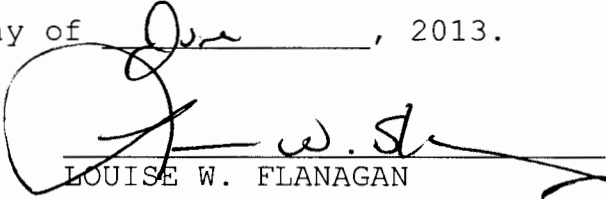
7. Nothing herein shall be deemed to waive any applicable privilege or objection.

9. This Protective Order shall survive the termination of the litigation, including all appeals. Within 30 days of the final disposition of this action or any appeal, all photographs and all copies thereof, shall be promptly returned to the producing person,

or, upon permission of the producing person, destroyed.

10. This Court shall retain jurisdiction over all persons subject to this Order to the extent necessary to enforce any obligations arising hereunder or to impose sanctions for any contempt thereof.

SO ORDERED this 14<sup>th</sup> day of June, 2013.

  
LOUISE W. FLANAGAN  
United States District Court Judge